

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on October 13, 2006. Four independent Claims have been added. The Director is authorized to charge in the amount of \$400.00 for independent claims not previously paid for and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112843-76 on the account statement.

Claims 1, 3-11 and 17-19 are pending in this application. Claim 2 was previously canceled. Claims 12-16 were previously withdrawn. Claims 17-18 are allowed. In the Office Action, Claims 3-11 are objected to and Claims 1 and 19 are rejected under 35 U.S.C. §102. In response, Claims 17 and 19 have been amended, Claims 1 and 3-11 have been canceled and Claims 20-28 have been added. These amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Claim 17 has been amended for clarification purposes.

In the Office Action, Claims 1 and 19 are rejected under 35 U.S.C. §102(b) as anticipated by the publication to Simonet et al. ("*Simonet*"). Claims 1 and 19 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,693,175 to Yano et al. ("*Yano*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have canceled Claim 1 thereby rendering its rejection moot. Applicants have amended independent Claim 19 to recite, in part, a food material, enteral composition or pharmaceutical composition comprising osteoprotegerin obtained from recombination methods in cells. The amendment as discussed above is fully supported in the specification, for example, on page 5, lines 2-7. In contrast Applicants respectfully submit that *Simonet* and *Yano* fail to disclose or suggest a food material, enteral composition or pharmaceutical composition comprising osteoprotegerin obtained from recombination methods in cells as required, in part, by Claim 19. For at least the reasons discussed above, Applicants respectfully submit that Claim 19 is novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the rejection of Claim 19 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, new Claims 20-28 have been added and effectively represent the subject matter as defined in Claims 3-11, respectively, in allowable form as suggested by the Patent Office. Accordingly, Claims 20-28 should be allowed.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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